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Administrator

Indiana Sen. Donnelly To Vote Against EPA Nominee.

The Indianapolis Star (2/13, Groppe) reports that Indiana Sen. Joe Donnelly announced Monday that he would vote against President Trump's nominee to lead the EPA, Scott Pruitt. He based his opposition on Pruitt's history of fighting required increases in the amount of plant-based fuels oil refiners must blend in gasoline. "Opposing Pruitt over renewable fuels gives Donnelly an Indiana-specific reason to side with environmental groups he's frustrated before without looking like a defender of the EPA," the Star says.

Virginia Sen. Warner To Vote Against Pruitt. The Hampton Roads (VA) Virginian-Pilot (2/13, Bartel) reports that Virginia Sen. Warner said he would vote against Scott Pruitt, stating, "I cannot think of another nominee I've been asked to consider who has, over the course of a career, demonstrated more disdain for the work of the agency he seeks to lead than Mr. Pruitt."

Additional Reading.

- **Op-Ed: Why Having Scott Pruitt Head The EPA Is A Bad Idea.** Delaware County (PA) Daily Times. (2/13)
- **Scott Pruitt Is A Danger To Environmental Protection Agency.** NJ Today. (2/13)

Climate Change

Study Finds Fossil Fuel Subsidy Removal Would Lead To CO2 Emission Reductions.

The "Morning Energy" blog of Politico (2/13) reported a study has been released by the Overseas Development Institute and the International Institute for Sustainable Development "finding the removal of subsidies for the production of fossil fuels would result in a decrease global carbon dioxide emissions by 37 gigatonnes between 2017 and 2050."

Senate Bill Aims To Protect Government Scientific Integrity.

The Albuquerque (NM) Journal (2/13, Coleman) reports Sens. Tom Udall and Martin Heinrich back legislation sponsored by Sen. Bill Nelson they say is needed to ensure that scientific information is made available to the public. "One provision would enable government scientists the right to review and approve press releases or other documents related to their research before it is disseminated to the public." The measure has the support of 27 other Senate Democrats but no Republicans.

Trump Aide Says EPA Will Draw On "New Science."

Greenwire (2/13, Bravender) reports President Trump's EPA communications director at EPA Doug Ericksen says he would consider taking work at EPA's Seattle-based Region 10 office or another post in the Pacific Northwest. Ericksen, a Washington state senator, said of the EPA that the Trump administration will be working on "expanding the science ... to allow people who have been denied the ability to have their views brought forward and allow it." Ericksen said, "new science will be allowed in; more people will have a voice when it comes to debating the science of issues at the EPA." Ericksen also said he'd like to see the EPA bolster nuclear waste cleanup at DOE's Hanford site.

Energy

PennEast Pipeline Receives Key Water Permits From Pennsylvania DEP.

NPR (2/13, Phillips) reports that the PennEast pipeline project received a “significant water quality permit” from Pennsylvania’s Department of Environmental Protection, indicating that the company “has met requirements under the Clean Water Act, a prerequisite for federal approvals.” The project is still awaiting final environmental approval from the Federal Energy Regulatory Commission, which has delayed issuing its Environmental Impact Statement after a report from the EPA’s Region III concluded that the project “results in significant adverse environmental impacts,” including possibly mobilizing naturally occurring arsenic into groundwater.

The Allentown (PA) Morning Call (2/13, Tatu) reports that PennEast officials “lauded the approval as proof that the project won’t negatively impact the environment and local waterways.” NJ News (2/13) reports that the permitting decision was also hailed by Jeff Logan, president of the Pennsylvania Chemical Industry Council, who said, “This is great news for all those who use natural gas, especially for the region’s energy intensive chemical industry and the more than 80,000 Pennsylvania and New Jersey residents the industry employs.”

Philly (PA) (2/13, Maykuth) reports that the Pennsylvania DEP’s decision to issue the permits was criticized by The Delaware Riverkeeper Network, which said it “made a mockery of our environmental protection laws.”

Oil Industry Pushes EPA Acceptance Of Infrared Cameras.

The Baton Rouge (LA) Business Report (2/13, Barnes) reports that an increasing number of industrial sites in the Gulf South are utilizing infrared technology to detect “fugitive emissions.” The EPA allows the use of IR cameras, but requires that they “be used in conjunction with other established processes.” Exxon Mobil’s “view is that the promotion of the technology for industrywide applications is a necessary step toward getting EPA acceptance.”

Enforcement

Trump Administration May Alter Handling Of EPA Settlement Of Citizen Suits.

Bloomberg BNA (2/14, Hayes) reports that the U.S. Chamber of Commerce wants to end the settlement process for environmental citizen suits that have served as a mechanism for organizations to compel EPA action over missed deadlines and other rule-making obligations. Under the Trump administration, it is expected that the government will be “fighting —rather than settling—these cases.” Critics, including environmental groups and some law professors, warn that doing away with the process “isn’t necessary and would impede the public’s ability to ensure that the federal government is living up to its statutory and other obligations.”

International

Additional Reading.

- **China’s Steel Capacity Cuts Obscured by Smog.** Wall Street Journal. (2/13, Taplin)

Other News

Senate May Vote Soon On Perry, Zinke.

The “Floor Action” blog of The Hill (2/13, Carney) reports Senate Majority Leader Mitch McConnell has teed up “votes on six additional Trump nominees as Republicans try to end a Democratic slow

walk of the president's picks." On Monday, the Kentucky Republican "filed cloture" for former Gov. Rick Perry to head the Energy Department, as well as five other Cabinet nominees. The action "sets up initial votes for all of Trump's nominees who've so far had confirmation hearings and committee votes, which allows them to come before the full Senate." Senate Democrats "could easily drag out votes on the six nominees" for over "a week and the Senate is poised to leave town on Friday for the week-long Presidents Day recess." A separate "Floor Action" blog piece in The Hill (2/13, Carney, Marcos) reports Democratic Sen. Jon Tester and Sen. John Cornyn "predicted" yesterday that Perry and Zinke "could come up this week." The Washington Post (2/13, O'Keefe) reports that if they are not confirmed this week "they will have to wait until late February or early March for a final vote."

The "Morning Energy" blog of Politico (2/13) reported "the conventional wisdom seems to be at least one of them will get a vote this week — Perry and Zinke are generally seen as less controversial" but "Democrats still appear inclined to run out the clock on a number of the picks." Sen. Ben Cardin said on Sunday, "We can't stop these nominees. We know that. ... We're going to use our time to make sure that people understand the background of these individuals, their commitment to the agency that they are being appointed to, and so, we can hold them accountable."

Reams: GOP Leaders Should Apply Clean Energy Lessons Learned In States. Heather Reams, managing director of Citizens for Responsible Energy Solutions, writes for the "Congress Blog" of The Hill (2/13, Reams) it's "an extraordinary time to think outside of the box — or rather to look beyond the Beltway — for innovative ideas that fellow Republicans have embraced," like "the promise of clean energy solutions, that have had real results for everyday Americans." Of note, President Trump's "Cabinet includes two former governors with histories of strong support of clean energy." One of them is "former Texas Gov. Rick Perry, our new Secretary of Energy," who "consistently supported market-based, renewable energy technology that increased abundant, affordable, and clean energy production for millions of families across his home state." Reams continues "clean energy is part of the advanced economy that voters want." Congressional leaders and the Trump Administration "would be wise to apply those lessons learned in states across the country to commonsense policymaking that benefits all Americans."

Trump Aide Doug Ericksen Eyes EPA Regional Post.

Greenwire (2/13, Jacobs) reports that Doug Ericksen, who had been leading the EPA's communication efforts during the transition period, said he would like to serve "in a capacity in the regional level, whether it's with the EPA or the Department of Interior or the Department of Ag, all of those things would be things that I would consider." The article notes that Ericksen has "taken political heat back home for serving at EPA while keeping his state Senate seat," although he claims criticisms are politically motivated.

Senate Democrats Concerned Icahn Using Role For His Investments.

The New York Times (2/13, Stevenson, Weisman) reports Democratic senators are worried that Carl C. Icahn is using his role as special adviser on overhauling regulation to President Trump to further his own investments. Last year, the billionaire investor waged an "all-out battle" with the EPA, saying regulations were harming the oil industry. On Monday, Sen. Sheldon Whitehouse and six other Senate Democrats sent a letter to White House counsel Donald F. McGahn II to clarify Icahn's official role. The senators are concerned that Icahn is working to change regulations to benefit his own investments. They are also seeking assurances that Icahn will not have access to private information that could be used to make profitable trades.

The Hill (2/13, Cama) reports that Senate Democrats are concerned about a "conflict of

interest between Mr. Icahn and advice he gave President Trump on the nomination of Mr. Pruitt” to lead the EPA. Moreover, “They further suggest he will be actively working to change RFS regulations to benefit CVR, the fuel refiner which he owns 80 percent of.”

Rules/Regulations/Policy

Automakers Ask Trump To Reconsider Vehicle Emissions Standards.

In continuing coverage, The Hill (2/13, Henry) reports automaker executives are asking President Trump to reconsider greenhouse gas emissions standards for vehicles instituted. The CEOs from GM, Ford Motor Co., Fiat Chrysler and the US units of several international car manufacturers sent a letter last week asking him to change the fuel standards, “without prejudging the outcome.” They said the rule “threaten[s] future production levels, putting hundreds of thousands and perhaps as many as a million jobs at risk.”

Hiltzik: Automakers Could Preasure California On Vehicle Standards. Michael Hiltzik writes in his column for the Los Angeles Times (2/13) that “the auto industry long has grouched about California’s role in emissions standards, which it says contributes to regulatory overload.” The industry has listed California Air Resources Board among agencies it is most concerned with. Before the EPA finalized its assessment that no change to the standard was needed, Hiltzik writes that the industry “was hoping for another year to produce more data and jawbone the EPA to lower the goal.”

Weaker Fuel Efficiency Standards Said Could Cost Consumers. Energy Innovation CEO Hal Harvey writes for The Hill (2/13) in its “Pundits Blog” that rolling back vehicle fuel efficiency standards” would be a profound disservice” to Americans. “By 2050, a rollback on these standards would cost America nearly half a trillion dollars, add billions of tons of carbon dioxide to the atmosphere, and cause thousands of premature deaths,” Harvey writes, adding that such a move would also make the US auto industry less competitive.

Additional Reading.

- **Regulation Benefits Said To Be At Risk Under Trump Order** . Bloomberg BNA. (2/14, Bolen)
- **Auto CEOs Say Obama-Era Fuel Efficiency Mandates Will Cost 1 Million Jobs.** Daily Caller. (2/13, White)

Water

DuPont, Chemours Settle Teflon Exposure Lawsuit.

The Wall Street Journal (2/13, Maher, McWhirter) reports that on Monday, DuPont announced a settlement of \$670 million with lawyers representing residents of Ohio and West Virginia in a lawsuit over Teflon chemical in drinking water. The settlement would be divided equally between DuPont and its spinoff Chemours if approved by individual plaintiffs.

Reuters (2/13, Nair) reports that Jeffries analysts predicted the settlement to be \$300 million higher, according to Wall Street estimates. DuPont shares rose one percent after the settlement.

The AP (2/13) reports that DuPont has faced over 3,500 Federal and state lawsuits in West Virginia over perfluorooctanoic acid leaks.


[Forbes](#) (2/13, Gensler) and [Law360](#) (2/13, Phillis) also report.

Flint Mayor To Meet With Michigan Governor Over End Of Water Bill Credits.


The [Detroit Free Press](#) (2/13, Egan) reports Flint, Michigan Mayor Karen Weaver plans to meet with Michigan Governor Rick Snyder later this week or early next week to discuss the state's decision to end state credits for Flint residents' water bills. Weaver believes the state gave Flint too little notice of the decision. Governor Snyder's spokesperson Anna Heaton said he "has always welcomed meetings with Mayor Weaver and they share an ongoing, open dialogue about Flint's recovery. ... However, state taxpayers will not provide additional funding for water bill credits or source water, since the water quality in Flint meets the requirements of the Federal Lead and Copper Rule and Safe Drinking Water Act. ... The city does have the option to extend water bill credits through its budget."

[MLive \(MI\)](#) (2/13, Fonger) and the [Detroit News](#) (2/13, Oosting) also provide coverage.


Local TV Coverage: Puget Sound Sewage Leak.

[KIRO-TV](#)  Seattle (2/13, 8:19 p.m. EST) reported, "The EPA and state regulators say King County could be penalized after raw sewage and waste water were released into Puget Sound. The treatment plant is back up and running after it had to be shut down Thursday following heavy rains and a pump failure. 260 million gallons is estimated to have been discharged into Puget Sound."

Local TV Coverage: New York Water System Repair Cost.

[WKTV-TV](#)  Utica, NY (2/13, 6:06 p.m. EST) reported, "A new report from the state comptroller says water systems in the state could be in need of \$40 billion worth of repairs over the next two decades. Locally, maintenance crews are often dealing with water main breaks because drinking systems in New York are more than 100 years old. The proposed state budget includes \$2 billion in capital appropriation for water quality improvements. However, the estimated price tag from the Environmental Protection Agency to just maintain the infrastructure is 22 billion dollars through 2030. The State Department of Health puts the estimate much higher and says it will cost the state \$39 billion in capital financing for drinking water projects."

Local TV Coverage: New York State Landfill Dioxane Contamination.

[TWC News](#)  (2/13, 10:37 p.m. EST) reported, "Nassau officials are happy about Governor Cuomo's request for the Environmental Protection Agency to set drinking water standards for the chemical 1,4-dioxane. That chemical is found in Nassau at the Dewey Loeffel Landfill where for years companies like GE and Honeywell dumped toxic waste. Dioxane causes cancer, but there is no federal standard on how much is unsafe to consume. For years, the landfill has been leaking dioxane into the Valatie Kill and into the watershed in Rennselaer and Colombia Counties. Nassau's town supervisor says the levels are getting worse. ... In the letter to the EPA, Cuomo says if the federal government does not take action, New York will set its own acceptable level."

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